

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72412

Ryan W. Kraft
Nicole A. Morgan

958 Martin Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 31, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 428, failure to cease outside storage of untagged/inoperative vehicles on residential property known as 958 Martin Road, 21221.

On March 2, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,200.00 (three thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Ryan and Nicole Kraft, Respondents and, Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 8, 2010 for removal of untagged/inoperative motor vehicles from this residential property. This Citation was issued on March 2, 2010.

B. Inspector Christina Frink testified that her initial inspection found three untagged vehicles parked outside on this residential property. Re-inspections in February 2010 and March 2010 found the same untagged vehicles. Re-inspection on March 30, 2010 found only one vehicle still parked on the property with an expired tag.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property.

D. Respondent Ryan Kraft testified that one vehicle has been moved and another has had valid tags put on. His untagged Camaro has insurance and he will obtain valid tags within the next two weeks.

E. Because compliance is the goal of code enforcement, and because Respondents have made progress in correcting the violations and do not have a history of prior violations, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by May 6, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26th day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.